

SHORTHAND REPORTING

Oct 20, 2010

FILED

Deanne L. Tamm

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF

DOLORES M. DeFILIPPIS, C.C.R.

Certificate No: 30XI00216300

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of information that the respondent Dolores M. DeFilippis, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2006 to June 30, 2008 required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. The Board has reviewed relevant documents on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) require that certificate holders complete fifteen (15) continuing education credits for biennial certification renewal. N.J.A.C. 13:43-7.1(a) specifically requires that the certificate holder complete the required credits during the preceding biennial period. Therefore, for the biennial renewal period of 2008-2010, certificate holders were required to complete fifteen (15) continuing education credits during the period of July 1, 2006 to June 30, 2008.

3. In or about January 2009, the Board initiated a random audit of renewal applications for the 2008-2010 period, asking those randomly selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

4. Respondent submitted information which indicated that she had completed a college English course in January 2007. The Board, following its review of the relevant documentation regarding the college course, concluded that the course failed to satisfy the requirements of N.J.A.C. 13:43-7.2, which details acceptable courses. Thereafter, the Board denied credit for the English course. Hence, the respondent had failed to submit information which indicated that she had completed any of the

requisite continuing education courses during the allotted time period of July 1, 2006 to June 30, 2008.

5. The Board, at its January 2009, granted the respondent a six (6) month extension to fulfill the requirement of the completion of fifteen (15) continuing education credits. He/She has now submitted documentation that demonstrates that he/she has satisfied the requirement but not within the time period required by law.

CONCLUSIONS OF LAW

1. Respondent failed to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) with regard to the timely completion of the required number of continuing education credits for the 2008-2010 renewal period and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally imposed a formal reprimand and a civil penalty totaling \$1,500.00, was entered on July 20, 2009 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The Provisional Order was served on the respondent on or about July 23, 2009, via both regular mail and certified mailed, return receipt requested, to her address of records of: 809 South 20th Street, Philadelphia, Pennsylvania 19146. While the green receipt card of the certified mail was not returned to the Board office, the Provisional Order sent via regular mail has not been returned to the Board office. The Board has however, to date, not received a response to the Provisional Order from the respondent.

The Board reviewed the respondent's submission at its September 2010 meeting. Following its review of this matter, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. While the Board acknowledged the current economic circumstances, it noted that credits for continuing education must be obtained biennially by each holder of an active certificate during the period preceding the established certificate renewal date as required by N.J.S.A. 45:15B-3.1 and 3.2. Thus, the respondent was required to complete her fifteen (15) credits by June 30, 2008. The Board determined that Ms. DeFilippis failed to submit proof of the completion of the required credits on a timely basis as the proofs presented indicated that respondent did not satisfy the required amount of the continuing education credits within the preceding certificate renewal period.

However, the Board concluded that there were sufficient mitigating circumstances to permit Ms. DeFilippis to remit payment of the civil penalty by installments over fifteen (15) months in the amount of one hundred (\$100.00) dollars per month. Thereafter, the Board voted to finalize the Provisional Order without any modifications but authorized the option of installment payments of the imposed civil penalty should the respondent so elect.

ACCORDINGLY, IT IS on this 15th day of

OCTOBER 2010 ORDERED that:

1. Respondent Dolores M. DeFilippis, C.C.R., is hereby formally reprimanded for failing to timely complete the required number of continuing education credits, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a).

2. Ms. DeFilippis is hereby assessed a civil penalty in the amount of \$1,500.00 for failing to complete the required number of continuing education credits during the preceding biennial period, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By:



MARIANNE CAMMAROTA, C.C.R.

President